

Amendment and Response under 37 C.F.R. 1.116

Applicant: Donald J. Palmer et al.

Serial No.: 09/819,230

Filed: March 28, 2001

Docket No.: 10003979-1 (H302.130.101)

Title: INFORMATION PAGE SYSTEM AND METHOD

REMARKS

The following remarks are made in response to the Final Office Action mailed February 8, 2005. Claims 1-9, 11-22, and 24-31 were rejected. With this Response, claims 1-2, 16, 18-19, 22, 24, and 26 have been amended. Claims 1-9, 11-22, and 24-31 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

In the Office Action, claims 1-9, 11-22, and 24-31 were rejected under 35 U.S.C. § 103(a) as being obvious over DeLorme et al. U.S. Patent No. 5,948,040 (herein DeLorme) in view of Ogasawara U.S. Patent No. 6,513,015 (herein Ogasawara).

DeLorme fails to disclose Applicant's amended independent claim 1. Applicant's claimed method of providing information to a consumer from an information station specifies, among other things, receiving a first request at the information station from a first unique consumer for a first information from the information station. The method presents a relatively passive situation in which a user initiates an information request at an information station apart from a retailer.

Among multiple deficiencies of DeLorme, DeLorme tracks user activities in general, but does not track user preferences specific to a unique consumer in the manner specified in Applicant's claim 1. Moreover, as admitted in the Office Action, DeLorme fails to disclose a customer parameter database; selecting the first information and [the first] incentive via user preference criteria from the customer parameter database; submitting, via a retailer, data identifying the first information and incentive, after use of the incentive to update the user preference criteria; and selecting a second information and a second incentive, based on the updated user preference criteria, upon a second request by a consumer.

Ogasawara fails to cure the deficiencies of DeLorme regarding Applicant's amended independent claim 1. In particular, among other limitations of Ogasawara, Ogasawara fails to receive a first request at an information station from a first unique consumer for a first information from the information station with the information station located external to, and separate from, a retailer, as claimed by Applicant.

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Instead, Ogasawara discloses a system or method directed to a relatively aggressive sales situation of engaging a consumer via personal identification within a retail/commercial establishment. For example, Ogasawara discloses identifying a customer as the customer enters a particular commercial establishment (e.g., retail department store, hotel, restaurant, financial institution) via a customer ID and a videographic image to enable store personnel to personally greet the customer, and discloses additional in-store customer assistance arrangements. See Ogasawara Column 3, lines 50-68; Column 5, lines 17-32; Column 6, lines 6-22; Column 7, lines 49-55; and Column 16, lines 17-68. This arrangement in Ogasawara is far different from a method of providing information in response to a consumer request at an information station external to, and separate from a retailer, as claimed by Applicant.

There is no suggestion in DeLorme, a travel reservation/planning information system, to leverage aspects of an in-store retail sales tactics environment, such as Ogasawara, nor any suggestion or teaching in Ogasawara to adapt an in-store sales program focused on greeting customers to enhance a travel reservation/planning information system (DeLorme). Moreover, for the reasons presented above, even if one attempts to combine DeLorme with Ogasawara, one cannot arrive at the invention of Applicant's amended independent claim 1, as both DeLorme and Ogasawara are deficient regarding the limitations of claim 1.

For these reasons, neither DeLorme nor Ogasawara, alone or in combination, disclose, teach, or suggest Applicant's amended independent claim 1. Accordingly, Applicant's respectfully submits that independent claim 1 is allowable over DeLorme and/or Ogasawara. Claims 2-9, 11-15, and 30 are believed to be allowable based on their dependency from independent claim 1.

For substantially the same reasons presented for the patentability of claim 1, Applicant's amended independent claim 16 is patentable over DeLorme and/or Ogasawara. In particular, DeLorme and/or Ogasawara fail to disclose an information system that comprises, among other things, an information station having a location external to and remote from a retailer, and a first feedback mechanism for submitting data representative of use of a first information page (printed by the information station in response to a first request from a user) back to an information database system via the retailer, as claimed by Applicant.

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For these reasons, neither DeLorme nor Ogasawara, alone or in combination, disclose, teach, or suggest Applicant's amended independent claim 16. Accordingly, Applicant's respectfully submits that independent claim 16 is allowable over DeLorme and/or Ogasawara. Claims 17-22 are believed to be allowable based on their dependency from independent claim 16.

For substantially the same reasons presented for the patentability of claims 1 and/or 16, Applicant's amended independent claim 24 is patentable over DeLorme and/or Ogasawara. In particular, DeLorme and/or Ogasawara fail to disclose a method of marketing using an information database system comprising, among other things, identifying a specific consumer; providing, at a location remote from a retailer, information and incentives to the specific consumer from the information database system; and receiving feedback into the information database system along a feedback pathway via the retailer regarding use of the information and incentives at the retailer by the specific consumer.

For these reasons, neither DeLorme nor Ogasawara, alone or in combination, disclose, teach, or suggest Applicant's amended independent claim 24. Accordingly, Applicant's respectfully submits that independent claim 24 is allowable over DeLorme and/or Ogasawara. Claims 25 and 31 are believed to be allowable based on their dependency from independent claim 24.

For substantially the same reasons as presented for patentability of claims 1, 16, and/or 24, DeLorme and Ogasawara fail to disclose Applicant's amended independent claim 26 which is directed to a computer readable medium having computer-executable instructions for performing a method of providing information to a consumer from an information station -- the method including substantially the same limitations as claim 1. For these reasons, DeLorme and Ogasawara fail to teach or suggest amended independent claim 26, and therefore Applicant's amended independent claim 26 is patentable and allowable over DeLorme and Ogasawara. Claims 27-29 are believed to be allowable based on their dependency from independent claim 26.

In light of the above, Applicants respectfully request withdrawal of the rejection of claims 1-9, 11-22, and 24-31 based on DeLorme and Ogasawara under 35 U.S.C. §103.



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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-9, 11-22, and 24-31 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-9, 11-22, and 24-31 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Jeff Limon at Telephone No. (541) 715-5979, Facsimile No. (541) 715-8581 or Paul S. Grunzweig at Telephone No. (612) 767-2504, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8 day of April, 2005.

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